to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: October 2, 1953. The defendants having entered pleas of nolo contendere, the court fined each defendant $50.

4224. Misbranding of sulfathiazole tablets. U. S. v. Elmer E. Reese (Reese Drug Co.). Plea of guilty. Fine, $25. (F. D. C. No. 34821. Sample Nos. 46303–L, 46304–L, 46306–L.)

INFORMATION FILED: October 1, 1953, Middle District of Alabama, against Elmer E. Reese, trading as the Reese Drug Co., Phenix City, Ala.

NATURE OF CHARGE: On or about July 22, 23, and 25, 1952, while a number of *sulfathiazole tablets* were being held for sale at the Reese Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drug to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such act of dispensing was contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

DISPOSITION: October 1, 1953. The defendant having entered a plea of guilty, the court fined him $25.

4225. Adulteration and misbranding of Cobiplex elixir, Probese capsules, and Sedamar elixir. U. S. v. 10 Bottles, etc. (F. D. C. No. 35303. Sample Nos. 51253–L, 51255–L, 51259–L.)

LIBEL FILED: June 10, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1952, and February 11 and April 9, 1953, by the Mara Laboratories, from Harrison, N. J.

PRODUCT: 10 1-pint bottles of *Cobiplex elixir*, 6 100-capsule bottles of *Probese capsules*, and 5 1-pint bottles of *Sedamar elixir*, at New York, N. Y.

Examination showed that the *Cobiplex elixir* contained 81 percent of the declared amount of vitamin B_1 and 70 percent of the declared amount of vitamin B_2; that the *Probese capsules* contained 40 percent of the declared amount of vitamin A and 85 percent of the declared amount of vitamin C; and that the *Sedamar elixir* contained 14 percent of the declared amount of vitamin B_6.

LABEL, IN PART: (Bottle) "One Pint Elixir Cobiplex," "100 Capsules Probese * * * Caution: To be dispensed only by or on the prescription of a physician," and "One Pint Elixir Sedamar * * * Caution—To be dispensed only by or on the prescription of a physician."

NATURE OF CHARGE: *Cobiplex elixir.* Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 2 milligrams of vitamin B_1 and 2 milligrams of vitamin B_2 per teaspoonful. Misbranding, Section 502 (a), the label statement "Each Teaspoonful * * * Contains: Vitamin B_1 * * * 2 mg. Vitamin B_2 * * * 2 mg." was false and misleading as applied to the article, which contained less than 2 milligrams of vitamin B_1 and less than 2 milligrams of vitamin B_2 per teaspoonful.

Probese capsules. Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 4000 U. S. P. units of vitamin A and 30 milligrams of vitamin C per capsule.

Misbranding, Section 502 (a), the label statement "Each Capsule Contains: Vitamin A * * * 4000 U. S. P. Units * * * Vitamin C * * * 30 mg." was false and misleading as applied to the article, which contained less than 4000 U. S. P. units of vitamin A and less than 30 milligrams of vitamin C per capsule; and, Section 503 (b) (4), the article was a drug subject to Section 503 (b) (1) (B), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

Sedamar elixir. Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 1 milligram of vitamin B_6 per teaspoonful. Misbranding, Section 502 (a), the label statement "Each Teaspoonful * * * Contains * * * Vitamin B_6 1 mg." was false and misleading as applied to the article, which contained less than 1 milligram of vitamin B_6 per teaspoonful; and, Section 503 (b) (4), the article was a drug subject to Section 503 (b) (1) (B), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: June 29, 1953. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

4226. Misbranding of herbal preparations. U. S. v. 1 Drum, etc. (F. D. C. No. 34951. Sample Nos. 54977–L to 54985–L, incl.)

LIBEL FILED: April 21, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: Between the approximate dates of October 26, 1951, and October 22, 1952, from Jersey City, N. J.

PRODUCT: 1 80-pound drum of *Formula #8*, 42 6-ounce cartons of *Nervix*, 26 6-ounce cartons of *Gastrix*, 75 6-ounce cartons of *Liverix*, 1 100-pound drum and 1 40-pound drum of *Formula #7*, 60 6-ounce cartons of *Rheumatix*, 1 90-pound drum of *Formula #10*, 10 6-ounce cartons of *Reducerix*, 3 5-ounce cartons of *Urix*, 2 6-ounce cartons of *Anti-Diabetix*, 1 25-pound drum of *Formula #6*, 48 6-ounce cartons of *Chestix*, 1 75-pound drum of *herb mixture for the bath*, and 13 6-ounce cartons of *Bathix* at Chicago, Ill., in the possession of Father Francis' Herbs, together with a number of loose labels relating to the products.

RESULTS OF INVESTIGATION: The articles contained in the cartons had been shipped in bulk, and upon their receipt by the consignee, Father Francis' Herbs, were repackaged into cartons and relabeled as described below. The articles in the drums represented portions of the bulk shipments received by the consignee which had not been at the time of seizure repackaged by the consignee.

Examination of the articles disclosed that they consisted of mixtures of ground plant material. It was assumed for purposes of the action that the articles contained the ingredients which they were represented to contain, namely, (*Formula #8* and *Nervix*) passionflower herb, white willow bark, hawthorne berries, and sweet orange peel; (*Gastrix*) "Johns-wort" herb, knotgrass, woodruff herb, T V senna leaves, juniper berries, buckthorn bark, and peppermint leaves American; (*Liverix*) St.-Johns-wort herb, boldo leaves, buckthorn bark, juniper berries, and knotgrass; (*Formula #7* and *Rheumatix*) knotgrass, horsetail rush, elder flower, ginseng root, buckthorn bark, mistletoe

*See also No. 4239 (veterinary preparation).